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UBER TECHNOLOGIES, INC.;  
RASIER, LLC; and RASIER-CA, LLC

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

IN RE: UBER TECHNOLOGIES, INC.,  
PASSENGER SEXUAL ASSAULT  
LITIGATION

Case No. 3:23-md-03084-CRB

This Document Relates to:

## ALL ACTIONS

**DECLARATION OF MICHAEL B.  
SHORTNACY IN SUPPORT OF  
DEFENDANTS' STATEMENT IN  
SUPPORT OF PLAINTIFFS'  
ADMINISTRATION MOTION TO  
CONSIDER WHETHER ANOTHER  
PARTY'S MATERIAL SHOULD BE  
FILED UNDER SEAL**

Judge: Hon. Lisa J. Cisneros  
Courtroom: G – 15th Floor

**DECLARATION OF MICHAEL B. SHORTNACY**

I, Michael B. Shortnacy, declare pursuant to 28 U.S.C. § 1746:

1. I am a partner at the law firm of Shook, Hardy & Bacon LLP, attorneys of record for Defendants Uber Technologies, Inc., Rasier, LLC, and Rasier-CA, LLC, (collectively, “Uber”). I am a member in good standing of the Bars of the State of California, the State of New York, and the District of Columbia. I know the following facts to be true of my own knowledge, except those matters stated to be based on information and belief, and if called to testify, I could competently do so. I respectfully submit this declaration in support of Uber’s Statement in Support of Plaintiffs’ Administrative Motion to Consider Whether Another Party’s Material Should Be Filed Under Seal.

2. I have reviewed the Parties' Letter Brief regarding the production of safety data and statistics and corresponding Exhibits C, D and G, ECF 592, as referenced in the Declaration of Roopal P. Luhana in Support of Administrative Motion to Consider Whether Another Party's Material Should Be Filed Under Seal [ECF 591].

3. Portions of the Parties' Letter Brief contain redacted material sourced from documents that Uber has designated highly confidential under the protective order entered in the Judicial Council Coordination Proceeding (JCCP) No. 5188, case no. CJC-21-05188, *In Re Uber Rideshare Cases* pending in the Superior Court of San Francisco County, California ("the Uber JCCP"), and that Uber has filed under seal in the Uber JCCP.

4. Exhibit C to the Parties' Letter Brief is a slide deck with title "CommOps Monthly Business Review – November 2018," which was designated "HIGHLY CONFIDENTIAL – ATTORNEYS' EYES ONLY" by Uber in this litigation pursuant to the Court's December 28, 2023 protective order (ECF 176). On information and belief, it consists solely of non-public information that is economically and commercially sensitive, and contains trade secrets, confidential research and development information, technical analysis, and strategic business planning information.

5. Exhibit D to the Parties' Letter Brief is a Declaration by Katherine MacDonald that has been filed under seal in Case No. CJ-21-005188 (the Uber JCCP). On information and belief, it

1 contains wholly non-public information that is confidential research and development information,  
2 technical analysis, and strategic business planning information.

3       6. Exhibit G to the Parties' Letter Brief is a Declaration by Randall Luskey, counsel for  
4 Uber in this litigation, that has been filed under seal in Case No. CJ-21-005188 (the Uber JCCP). On  
5 information and belief, it contains non-public information that detail Uber's disclosure of corporate  
6 systems.

7       7. Portions of the Parties' Letter Brief referring to redacted material and corresponding  
8 Exhibits C, D & G, ECF 592, contain confidential and proprietary business information that will cause  
9 undue harm if publicly disseminated.

10       I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct.

12       Executed on June 12, 2024, in Los Angeles, California.

13  
14       */s/ Michael B. Shortnacy*  
15       Michael B. Shortnacy